

QUEENSTOWN-LAKES DISTRICT COUNCIL PROPOSED DISTRICT PLAN HEARING –  
CHAPTER 35 TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS AS THEY RELATE  
TO THE RURAL VISITOR ZONE AT ARCADIA

**IN THE MATTER**

of a hearing on submissions to Stage 3 and 3B of the  
Proposed District Plan pursuant to clause 8B of the  
First Schedule to the Resource Management Act 1991

**Lloyd James (Jim) Veint**

Late submission #31074

Relating to Temporary Filming Activity

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**EVIDENCE OF CAREY VIVIAN**

**(PLANNER)**

**30 July 2020**

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## 1. Introduction

- 1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-six years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.
- 1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.
- 1.3 In preparing this evidence I have read the late submission prepared by Anderson Lloyd, the s32 report for Chapter 35, the Panel Minute, the Council staff section 42A report and supporting evidence on two late submissions. I comment on this material through my evidence.
- 1.4 I refer the Panel to my primary statement of evidence on Mr Veint's Rural Visitor zone submission (#31008) for a comprehensive background to the zoning of the property. My evidence is structured as follows:
  2. Background
  3. Assessment
  4. Objectives and Policies
  5. Conclusion

## 2. Background

- 2.1 Mr Veint's original submission comprehensively sets out the background to the Arcadia Rural Visitor Zone (ARVZ). However, it does not describe in detail the historic use of the property for temporary filming activity. I am aware of the following consents that have been granted for temporary filming activity at the property:
  - RM070979 – This was an application by WOZ Productions Ltd to undertake temporary filming activity including construction of film sets and filming activity at Arcadia Station.
  - RM080043 – This application varied conditions of the above consent to increase helicopter flying days.
  - RM110593 – This application was by 3 Foot 7 Limited to undertake a temporary filming activity with

over 200 people and consent to undertake helicopter landings for sites located at Arcadia Station, Glenorchy-Paradise Road.

- RM110669 – This application varied condition 1 of RM110593 to install a temporary water tank at Arcadia airstrip.

- 2.2 I also note that not all temporary filming activity requires resource consent, and I understand from Mr Veint that many smaller scale filming activities such as for television commercials have also been undertaken that do not appear in the QLDC consent records.
- 2.3 In summary the setting of the property is very attractive for temporary filming activities and the land has been used for this purpose for several decades.

### 3. Assessment

- 3.1 The late submission #31074 seeks changes to Chapter 35 of the Proposed District Plan (PDP) which covers Temporary Activities and Relocated Buildings. In summary the submission seeks that the more enabling provisions for temporary filming that apply to the Rural Zone also be applied to the Rural Visitor Zone (RVZ) at Arcadia. The relief sought does not apply to other Rural Visitor zones. The notified PDP currently means tighter restrictions in the RVZ as compared to temporary filming undertaken in the Rural Zone, including on the number of people participating<sup>1</sup>, the duration of shooting<sup>2</sup>, and the use of land as an informal airport<sup>3</sup>.
- 3.2 The s32 report for Chapter 35 briefly discussed the justification for applying more permissive standards to temporary filming activities in the Rural Zone as compared to 'any other zone'. The analysis focused on comparing temporary filming activities in the Rural Zone with these activities occurring in residential and urban zones, and it probably did not contemplate temporary filming activities in the RVZ at all because the RVZ was not part of Stage 1 of the DPR. The reasoning given in the s32 report as to why temporary filming activities are appropriate in the Rural Zone suggests temporary filming activities are similarly appropriate in the RVZ.
- 3.3 Council's reporting officer, Ms. Grace, generally supports the changes requested. I agree with her assessment in paragraph 4.4 of the s42A report that the RVZ zoning effectively creates an island within which temporary filming activities are managed in a more restrictive manner than the surrounding Rural zoned land. I agree with Ms Grace that in terms of environment effects beyond the RVZ on the Rural Zone, it is appropriate that the RVZ and Rural Zone provisions align.

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<sup>1</sup> Rule 35.4.7(a).

<sup>2</sup> Rule 35.4.7(c).

<sup>3</sup> Rule 35.4.7(e).

- 3.4 With regard to environmental effects of temporary filming *within* the RVZ, Ms. Grace concludes that within the Arcadia RVZ (as amended by the s42A report) there is a large area of the zone where temporary filming could be undertaken as a permitted activity without overlapping with the area where visitor accommodation and commercial recreation activities are controlled activities and this mitigates the effects of temporary filming.
- 3.5 However Ms. Grace emphasises that her recommendations are on the basis of the notified RVZ (as amended by the s42A report), and not on the basis of the zone changes sought in the Veint submission.
- 3.6 Ms. Grace's main concerns are with regard to:
- (1) that part of the Veint submission which seeks residential activity be permitted at Arcadia, and if that relief is accepted, potential adverse effects on residential amenity from temporary filming activities within the RVZ at Arcadia (noting also the potential for adverse effects should the zone not continue to be held in single ownership).
  - (2) that part of the Veint submission which seeks that buildings for visitor accommodation and commercial recreation have a more permissive activity status within areas notified as moderate-high and high landscape sensitivity, and that if this relief is accepted by the Hearings Panel, then her effects assessment would not hold as these activities could be sensitive to the environmental effects of temporary filming with up to 200 people and the use of land as an informal airport.
- 3.7 I address these two matters below.

#### *Effects of temporary filming on residential activity*

- 3.8 At present the whole Arcadia Rural Visitor zone is in single ownership. While subdivision consent RM130799 has received s.223 certification, it will be some time until the new owner is able to complete the build of the subdivision and obtain s224(c) certification and sell separate Records of Title. By this time the Panel recommendations on the RVZ will have been issued, rules will have legal effect, and any future purchaser of the residential lots will as part of their due diligence, be able to see what the RVZ at Arcadia enables. i.e. future residential purchasers will go in with their eyes open to the fact that temporary filming activity is anticipated in the zone.
- 3.9 I also note that the Rule for Temporary Filming (35.4.8b – from S42A report) states:

*b. within the Rural Zone and the Arcadia Rural Visitor Zone, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year;*

- 3.10 I consider that this limit of 30 days per calendar year is adequate to ensure residential amenity values are maintained, should the relief in the Veint submission be granted. While there may be some temporary disturbance from informal airports and activity associated with filming involving up to 200 crew (an increase of 150 persons from the decisions version of Chapter 35), this is likely to be infrequent given the 30 day maximum limit. Film crews will come and go for a range of different durations, some may include informal airports and others will not. Overall, the landowner must ensure that the total does not exceed 30 days in any calendar year to retain permitted activity status.
- 3.11 Ms. Grace references Policy 35.2.1.7 that relates to noise from temporary filming and requires residential amenity to be protected from undue noise during night time hours:

**35.2.1.7     Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.**

- 3.12 My view of this policy is that residential amenity is to be protected during night time hours (0800-2000). As temporary filming in the Arcadia RVZ is generally to take advantage of its dramatic mountain scenery, filming is usually undertaken during the day and it is unlikely filming will be undertaken after 8pm (when the night time noise limit commences). Residential amenity will therefore be protected.

- 3.13 Policy 35.2.1.8 states:

**35.2.1.8     Enable the operation of informal airports in association with temporary community events and filming, subject to minimising adverse effects on adjacent properties.**

- 3.14 This policy requires the minimising of adverse effects on *adjacent properties*, from the operation of informal airports associated with filming. Ms. Grace states that allowing residential activity as a permitted activity within the RVZ at Arcadia would be contrary to this policy. For all the reasons set out in my primary brief of evidence with regard to the suitability of the Arcadia RVZ to residential activity, I do not agree the proposal would be contrary to this policy. Adverse effects of informal airports are ‘minimised’ by the 30 day maximum duration provision under Rule 35.4.8b, and the Council also has the excessive noise provisions of the RMA should noise be considered unreasonable or excessive (this is referred to explicitly in Rule 35.4.8).

- 3.15 Overall, given that future land owners will be able to see the RVZ provisions and the provision for temporary filming (including informal airports), and the existing Chapter 35 limit on duration to 30 days in a calendar

year, in my opinion any adverse effects from temporary filming activity, including informal airports on residential activity in the Arcadia RVZ can be managed.

*Effects of temporary filming on visitor accommodation and commercial recreational activities*

- 3.16 In paragraph 4.6 Ms. Grace considers there is potential for effects on amenity values within the RVZ at Arcadia Station from temporary filming activities managed in accordance with the Rural Zone provisions, for visitor accommodation and commercial recreation activities.
- 3.17 Ms Grace recognises in her paragraph 4.7-4.8 that the area enabled for these activities in the S42A version is relatively small, within the Arcadia RVZ. There is a large area of the zone where temporary filming could be undertaken as a permitted activity without overlapping with the area where visitor accommodation and commercial recreation activities are controlled activities.
- 3.18 Ms. Grace is satisfied there will not be an adverse effect if her S42 version of the RVZ is accepted by the Panel, however she is concerned that if the Veint submission is accepted and buildings for visitor accommodation and commercial recreational activity have a more permissive status within areas notified as moderate-high and high landscape sensitivity, her conclusion may not hold.
- 3.19 I do not share Ms. Grace's concern about the effects of temporary filming (including informal airports) on visitor accommodation and commercial recreation activities, as these activities are typically not sensitive to noise associated with temporary filming (including informal airports). For example, guests at a visitor accommodation facility are usually visiting for a short period of time and are not necessarily aware of the ambient noise levels.
- 3.20 Similarly customers of a commercial recreational activity are also likely to be visiting for a short duration. Customers of a commercial recreational activity may be in Arcadia for a range of reasons, some adventure tourism based, and are not necessarily seeking a quiet environment. For example, a commercial recreational activity such as a zip lining or luging is not necessarily a commercial recreational activity that anticipates or requires a quiet noise environment.
- 3.21 Overall I consider that visitor accommodation and commercial recreational activities are unlikely to be adversely affected by temporary filming (including informal airports) due to the nature of these activities and the limited duration provided for temporary filming.

## 4. Objectives and Policies

- 4.1 I have reviewed the objectives and policies of Chapter 35 and consider the proposal is consistent with Objective 35.2.1 of Chapter 35 which provides: *Temporary Events and Filming are encouraged and are undertaken in a manner that ensures the activity is managed to minimise adverse effects.*
- 4.2 I concur with Ms Grace that the more enabling Rural Zone temporary filming provisions would encourage temporary filming activities to a greater extent than the ‘any other zone’ provisions. The controls within Rule 35.4.8 for the Rural Zone, if they were extended to the RVZ at Arcadia Station, would manage the scale of temporary filming activities and minimise adverse effects.
- 4.3 With regard to the associated policies, I also agree with Ms Grace that applying the Rural Zone temporary filming provisions to the RVZ at Arcadia Station has support from the policies associated with Objective 35.2.1. In particular, it would recognise and encourage the contribution that temporary filming makes to the social, economic and cultural wellbeing of the District’s people and communities, in accordance with Policy 35.2.1.1. This in turn aligns with the enabling objectives from the Strategic Directions chapter, such as Strategic Objective 3.2.1 which seeks the development of a prosperous, resilient and equitable economy in the district.
- 4.4 Overall I concur with Ms. Grace that applying the Rural Zone temporary filming provisions to the RVZ at Arcadia Station is likely to give rise to positive social, cultural and economic effects, and agree with her that Arcadia Station is a well-known filming location, and that there is a flow on cultural and economic impact evidenced by the tours available in the area to see iconic filming locations. However, I do not consider the relief sought in the Veint submission in relation to residential, visitor accommodation and commercial recreational activity jeopardises this conclusion as the filming will be intermittent up to 30 days maximum and most likely not undertaken during night time hours.

## 5. Conclusion

- 5.1 As noted in my primary brief of evidence, for a wide range of reasons the Arcadia Rural Visitor zone is different from other RVZs, as it has an operative RVZ with an approved structure plan and residential subdivisions have been approved and are underway on the land. Visitor accommodation also has a long history in the area, having been undertaken for over a century. Temporary filming activity has also occurred for many years, and in my opinion, it is sensible that the PDP temporary filming activities align with the surrounding Rural zone provisions rather than the ‘any other zone’ category.